UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

FIFTH COMMITTEE
76th meeting
held on
Friday, 10 September 1993
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 76th MEETING

Chairman: Mr. ZAHID (Morocco)
(Vice-Chairman)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

CONTENTS

AGENDA ITEM 157: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS (continued)

AGENDA ITEM 155: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA (continued)

AGENDA ITEM 104: PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993 (continued)*

Access to the United Nations garage (continued)

AGENDA ITEM 124: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS (continued)*

AGENDA ITEM 147: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

Final appropriations for 1990-1991 (continued)

* Items considered together.

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.5/47/SR.76
16 September 1993

ORIGINAL: ENGLISH

93-81278 (E)

The meeting was called to order at 10.50 a.m.

AGENDA ITEM 157: FINANCING OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS (continued) (A/C.5/47/L.45)

Draft resolution A/C.5/47/L.45

1. Mr. KARBUCZKY (Hungary), introducing draft resolution A/C.5/47/L.45, drew attention to the seventh and eighth preambular paragraphs and also to the strong language used in operative paragraphs 1 to 3 to indicate the concern of Member States regarding the question of the role of the General Assembly under Article 17 of the Charter, and in particular about the advice given to the Security Council by the Secretariat on the nature of the financing of the United Nations Peace-keeping Force in Cyprus (UNFICYP).

2. Draft resolution A/C.5/47/L.45 was adopted.

3. Ms. ROTHEISER (Austria), speaking on behalf of the delegations of Australia, Canada, Denmark, Finland, Sweden, the United Kingdom and of her own delegation, said that they welcomed the decision to treat the costs of UNFICYP which were not covered by voluntary contributions as expenses of the organization to be borne by Member States; that new manner of financing would undoubtedly give UNFICYP a sounder financial basis. They expected that the problem of the accumulated deficit of over US$ 200 million owed to the two contributing countries would be resolved in a satisfactory manner. The delegations would actively pursue that matter during the forty-eighth session.

4. Mr. KUCATÜRK (Turkey) said that during the general debate, his delegation had indicated that Security Council resolution 831 (1993) contained elements of a political nature which were unacceptable to the Turkish and Turkish Cypriot sides. Although it was established practice that matters relating to UNFICYP would be dealt with in consultation with the parties concerned, neither the Turkish Cypriot side, one of the two parties to the dispute, nor Turkey had been consulted during the drafting of that resolution. The Turkish Cypriot side had been totally ignored during the drafting of resolution A/C.5/47/L.45, and would not feel bound by its provisions.

5. Security Council resolution 831 (1993), together with others pertaining to the extension of the mandate of UNFICYP, referred to the so-called "Government of Cyprus" although there had been no constitutional "Government of Cyprus" in the island since 1963; his delegation was gratified that such language did not appear in draft resolution A/C.5/47/L.45. The voluntary financial contribution to UNFICYP made by that "Government" would cast a shadow on the impartiality of UNFICYP.

6. Those anomalies continued to exist at a time when the Turkish Cypriot and Greek Cypriot sides were in the process of negotiating on an equal footing, within the framework of the mission of good offices of the Secretary-General. Until a realistic approach was adopted whereby the equality of the two sides was duly honoured, Turkey would not be able to participate in the implementation of draft resolution A/C.5/47/L.45.

7. Mr. DAMICO (Brazil) said that his delegation had joined in the consensus on draft resolution A/C.5/47/L.45 on the understanding that all peace-keeping operations should be considered as expenditures of the Organi zation, borne by Member States, and should therefore be apportioned by the General Assembly in accordance with Article 17, paragraph 2 of the Charter. It had been on the basis of that understanding that his delegation had voted in favour of Security Council resolution 831 (1993).

8. His delegation welcomed draft resolution A/C.5/47/L.45 as a means of assuring a stable financial basis for the proper implementation of the mandate entrusted to UNFICYP. Its text clearly indicated that two separate arrangements would prevail; the current special account, to be devoted to settling the remaining balances of the period prior to 16 June 1993, and the new special account for the period starting on 16 June 1993. His delegation was not in a position to support any future measure leading to a merger of the two accounts.

9. Mr. RAE (India) said that his delegation fully supported the draft resolution and was pleased that it reaffirmed the authority of the General Assembly as enshrined in Article 17 of the Charter in all matters relating to the financing and apportionment of the expenses of the Organization; that principle must be respected by all other organs of the United Nations, including the Secretariat.

10. Mr. STAVRINOS (Cyprus), referring to the statement made by the representative of Turkey, said that the Republic of Cyprus and its Government were recognized by the United Nations. The Secretary-General's latest report made it clear who was responsible for the absence of progress on the Cyprus issue. The interest expressed by Turkey would be better translated into deeds, particularly by contributing to the financing of the Force. The party which, through its illegal actions, was responsible for the existence of UNFICYP should exercise restraint in expressing any reservations to General Assembly decisions; that party should try to respond more positively to the efforts of the Secretary-General to seek a peaceful solution to the problem and should respect the decisions and resolutions of the Organization.

AGENDA ITEM 155: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA IN 1991 (continued) (A/C.5/47/L.49)

Draft resolution A/C.5/47/L.49

11. Mr. OSELLA (Argentina), introducing draft resolution A/C.5/47/L.49, said that operative paragraph 2 reaffirmed the importance of the role of the General Assembly as set out in Article 17 of the Charter. The question of the nature and manner of apportionment of the expenses of the International Tribunal had been deferred, and the draft resolution did not prejudge that issue. If the separate account was later incorporated into the regular budget, it would operate as a regular United Nations account. The draft resolution provided clear guidelines to the Secretary-General for providing cost estimates separated from the proposed regular budget for the biennium 1994-1995.

12. Mr. BOIN (France) said that in operative paragraph 6 of the draft resolution, the French term "mises en recouvrement" should be qualified by the adjective "obligatoires".

13. Draft resolution A/C.5/47/L.49 was adopted.

14. Ms. CAIRNS (United Kingdom) said she was pleased that the draft resolution ensured that even though it had not been possible to take final decisions on the nature of the funding of the International Tribunal, preparations could proceed for its establishment. Her delegation had only been able to join in the consensus on the draft resolution on the clear understanding that the General Assembly remained free at its next session to decide that regular budget principles would apply to the funding of the International Tribunal. Her delegation's position had been clearly stated by the representative of Belgium, speaking on behalf of the European Community and its member States, at an earlier meeting.

15. Mr. CLAVIJO (Colombia) said that operative paragraphs 3 and 4 of the draft resolution properly reflected the legal framework which should govern the activities of the General Assembly and the Security Council. It was regrettable that a misinterpretation of that legal framework had created difficulties for the Committee. In future those paragraphs should be respected so that full implementation of the Charter and a clear division of work between the various organs of the United Nations would make it possible to optimize the technical implementation of financial provisions within a balanced political framework.

16. Ms. SAEKI (Japan) said it was her delegation's understanding that the reference to a separate account in operative paragraph 6 would in no way prejudge the final form of the budget of the International Tribunal. If the General Assembly decided that the expenses of the International Tribunal would be financed through assessed contributions on the regular budget scale, that account should be merged into the regular budget.

17. Mr. DAMICO (Brazil) said that questions relating to the establishment of the International Tribunal had far-reaching political and legal implications and it would have been preferable if all the issues relating to the financing of the Tribunal had been resolved.

18. Paragraph 6 of the draft resolution gave procedural indications to the Secretariat on how to present the revised cost estimates for the International Tribunal. The draft resolution made it clear that additional resources would be required to finance the Tribunal. At the time of the adoption of Security Council resolution 827 (1993), his delegation had expressed the view that the establishment of the International Tribunal was warranted because the exceptionally grave circumstances might require exceptional action by the United Nations; in an exceptional situation, it might not be possible to accommodate the financing of the Tribunal within the current level of resources in the programme budget. It was to be hoped that in that process other United Nations activities would not be sacrificed.

19. Mr. SHAUKAT (Pakistan) said that his delegation attached great importance to the early establishment and effective functioning of the International Tribunal. It hoped that the adoption of the draft resolution would pave the way

(Mr. Shaukat, Pakistan)

to the establishment of a sound and stable funding mechanism for the International Tribunal on the basis of assessed contributions.

20. Mr. BOIN (France) said that the principle of financing on the basis of assessed contributions was of great importance and a demonstration of the international solidarity which was essential in the financing of activities of a judicial nature. On the basis of the clarifications provided, his delegation had been able to join in the consensus, while not pre-judging a final decision on the manner of the apportionment of expenses and the nature of the special account.

21. Mr. FONTAINE-ORTIZ (Cuba) said that his delegation supported the reaffirmation of the role of the General Assembly as the only body that was able to consider and approve the financing of United Nations expenses in accordance with Article 17 of the Charter. It was to be hoped that in future the other organs of the United Nations, and especially the Security Council, would respect the role of the General Assembly in that respect, and the Secretariat would appropriately advise United Nations bodies, particularly the Security Council.

22. In relation to operative paragraph 6, his delegation's understanding was that all that remained to be decided at the next session was the manner of apportionment of expenses, although it was clear to his delegation that since they related to a peace-keeping operation, they should be apportioned on a special scale.

23. The Spanish text of the paragraphs of draft resolution A/C.5/47/L.45 that were identical to paragraphs in draft resolution A/C.5/47/L.49 should be brought in line with the wording of draft resolution A/C.5/47/L.49.

24. Mr. RAE (India) said that, while it had joined the agreement on draft resolution A/C.5/47/L.49, his delegation continued to maintain that the activities of the Tribunal should be financed on the basis of the scale of assessments, which was traditionally applied to the financing of peace-keeping operations. In addition, India expected that, in all matters relating to the financing and apportionment of the expenses of the Organization, the authority of the General Assembly, as provided for under Article 17 of the Charter, would be respected by all the organs affected, including the Secretariat.

25. Mr. NDOBOLI (Uganda) said that the Committee had experienced particular difficulties with regard to article 32 of the statute of the Tribunal and Uganda therefore welcomed operative paragraph 2 of the resolution, the provisions of which were also reflected in resolution A/C.5/47/L.45 on Cyprus, and hoped that in future the provisions of the Charter would be fully complied with.

26. Mr. ZAINUDDIN (Malaysia) said that his delegation regretted the Committee's inability, at the current session, to reach a decision on the nature of the financing of the Tribunal and hoped that the General Assembly, at the forthcoming forty-eighth session, would take proper account of the need to find stable and adequate financial resources to ensure the effective functioning of the Tribunal.

AGENDA ITEM 104: PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993 (continued)

AGENDA ITEM 124: ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Draft decision A/C.5/47/L.51

27. Mr. KARBUCZKY (Hungary), introducing the draft decision, said he hoped it would be adopted without a vote.

28. Draft decision A/C.5/47/L.51 was adopted.

Access to the United Nations garage (continued)

29. Mr. DUHALT (Mexico), reporting as coordinator of the informal consultations on access to the United Nations Headquarters garage, said that there had been recognition of the responsibility of the Secretary-General for security considerations in the United Nations, as well as of the responsibility of the General Assembly for administrative and budgetary matters. There was also recognition of and support for the initiative of the Secretary-General to continue strengthening security measures in United Nations facilities. Finally, great satisfaction had been expressed over the continuing dialogue between the Secretariat and Member States on matters pertaining to the functioning of the Organization. The Director of the Office of General Services had made a statement on the basis of which the delegation of the United States had expressed its willingness to withdraw the draft resolution that it had submitted to the plenary of the Fifth Committee. It was thus agreed that there was no longer any need to continue the informal consultations and that a report should be made to the Fifth Committee so that it might take an appropriate decision.

30. Mrs. WELLS (Under-Secretary-General for Administration and Management) said that the Secretary-General had taken into account the practical problems expressed by Member States in consultations with reference to announced restrictions on the parking garage. He had been convinced that it was operationally important for the work of the Organization that those representatives who had official business in the Headquarters complex should have access to the garage. He additionally understood that missions had expressed the willingness to observe prudence in their requests for parking permits, restricting such requests only to those members of delegations fully accredited to the United Nations. It was also his understanding that the Member States recognized that the possession of a permit in no way assured the availability of a parking space at any given time. It was also important to emphasize that measures taken to secure the complex and the garage were in no way diminished by that decision.

31. The CHAIRMAN said that in view of the preceding statements, he took it that the draft circulated by the representative of the United States was now withdrawn by the sponsor.

32. It was so decided.

33. The CHAIRMAN proposed that the Committee should take note with appreciation of the statement made by the Under-Secretary-General for Administration and Management to the Fifth Committee on access to the United Nations Headquarters

garage and express its satisfaction with the continuing dialogue between the Secretariat and Member States on the issues related to the operation of the Organization.

34. It was so decided.

35. Mr. FONTAINE-ORTIZ (Cuba) said he took it that the second paragraph of the statement by the Under-Secretary-General for Administration and Management did not mean that there could be restrictions on the access of delegations to United Nations grounds, but merely that if there were no space to park that they could not park there. He did not wish to see the access of diplomatic vehicles to Headquarters restricted on the pretext that there was no space for parking. In the unlikely event that such a situation should arise, his delegation would not hesitate to raise the issue again in the Committee.

AGENDA ITEM 147: PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991 (continued)

Final appropriations for 1990-1991 (continued)

36. Mr. HALBWACHS (Director of the Programme Planning and Budget Division) said, in response to questions raised during previous discussions, that there had been three main areas of concern, namely: supernumerary staff in the Secretariat, the use of consultants and staff assessment.

37. The term "supernumerary staff" referred to those staff members whose posts had been abolished following the retrenchment exercise set in motion by resolution 41/213 and the closure of such bodies as the Office of the Commissioner for Namibia. In all, 1,365 such posts had been abolished; by the commencement of the biennium 1990-1991, there had been 232 supernumerary staff members and that figure had been reduced to the current level of 17 - 6 Professional and 11 General Service. While it was not possible to give an exact indication of the cost of those supernumerary posts, as they were not recorded as a separate category, it was estimated that their cost to the Organization during the biennium 1990-1991 amounted to approximately $12.9 million.

38. Turning to the question why reports to the Fifth Committee at the forty-fifth, forty-sixth and forty-seventh sessions had made no reference to supernumeraries and what legislative authority the Secretary-General had to carry staff without posts, he said that, when the 1990-1991 budget had been proposed by the Secretariat, there had been extensive discussion of the possible need to make special provision in the programme budget for supernumeraries. In the final analysis, however, it had been decided that the question of supernumeraries could be resolved without recourse to any legislative action, since the staff levels authorized by the 1990-1991 budget were at no time exceeded, even with the inclusion of supernumeraries.

39. As for the possible re-employment of supernumerary staff as consultants, he said that he was not aware of any such cases.

40. By way of clarification, he pointed out that, in addition to supernumeraries as defined by him earlier, there were a number of staff members without posts budgeted for their functions for reasons other than the abolition

(Mr. Halbwachs)

of such posts. Such a phenomenon had always existed within the Organization; currently, there were 19 such staff members: 6 Professional and 13 General Service. The inclusion of those staff members in the category of supernumerary staff explained the discrepancies in the figures presented to the Committee at previous meetings.

41. With regard to the question whether there had been a decline in the expenditure on consultants and general temporary assistance in 1990-1991 due to the redeployment of supernumerary staff, he said that the Secretariat was not in a position to give a definitive answer but that it was unlikely. While expenditure on consultants had fallen $1.5-2 million below the approved level, that decrease was not necessarily connected with the employment of supernumerary staff. Total expenditure on consultants during the biennium 1990-1991 had amounted to $8.5 million.

42. The employment of consultants was managed in a decentralized fashion and that, since the Office of Human Resources Management did not maintain centralized statistics on consultants, it was unable to provide information on the number of consultants hired in 1990-1991 and the average length and cost of their assignment. Details, criteria and procedures relating to the engagement of consultants were set out in administrative instruction ST/AI/296.

43. Finally, with regard to the question of staff assessment, he noted that the expenditures shown in the accounts for the biennium 1990-1991 were recorded at the rates in effect for the biennium as approved by the General Assembly. The Secretariat had no discretion to decide whether or not to record those expenditures. The total amount for 1990-1991 was much higher than had been expected, resulting in a surplus in the Tax Equalization Fund, as previously pointed out by the representative of the United States. The issue had been taken up by the International Civil Service Commission (ICSC) in its report to the Organization, and the Committee, when considering that report, would have to decide on a proposal to decrease the rate of staff assessment. Surpluses in the Tax Equalization Fund would be offset against contributions due from the Member States concerned, as provided for in rule 105.5 of the Financial Rules. In his view, there were procedures in place to monitor the level of staff assessment and to adjust surplus balances at the end of any given year.

44. In response to expressions of dissatisfaction with the format of the performance report, he pointed out that the report had been devised in consultation with the Committee and that the Secretariat would be happy to amend its format in the light of specific proposals from members.

45. Mr. SPAANS (Netherlands) sought clarification on the total number of supernumerary staff over the course of the biennium 1990-1991.

46. With regard to the decision by the Secretariat that no legislative action had been necessary to authorize the retention of supernumerary staff members, he drew attention to paragraphs 193-196 of the report by the Board of Auditors, (A/47/5), stipulating that no payments to supernumerary staff should be made without prior approval of the General Assembly, and he wondered, therefore, whether, with hindsight, the Secretariat's decision had been correct.

(Mr. Spaans, Netherlands)

47. In addition, he sought further clarification on the possible link between the hiring of consultants and the re-employment of supernumerary staff, particularly, as to whether the retention of a large number of supernumerary staff members could lead to a possible reduction in the projected or budgeted costs of temporary staff and consultants. He noted that, at current levels of 17 supernumerary staff members and 19 staff members between posts, the Organization's situation was not unlike that experienced in many foreign services.

48. He repeated his earlier request for a breakdown of supernumerary staff members by position rank and sex and wondered whether there were any professional women in that group. The Netherlands delegation would revert to that issue during the forty-eighth session.

49. Noting the existence of an administrative instruction on the hiring of consultants, he supported the point made by a previous speaker that the existence of guidelines and criteria was no guarantee of their observance in practice.

50. Mr. BOIN (France) said that some of his questions had not been adequately answered; in those circumstances, his delegation was still not prepared to adopt the draft resolution.

51. Mr. HALBWACHS (Director, Programme Planning and Budget Division) said, by way of further clarification, that the total expenditure incurred by the hiring of consultants during the biennium 1990-1991 had amounted to US$8.9 million and that, as the Office of Human Resource Management did not monitor the hiring of consultants on a central basis, it was unable to provide more detailed information on the nature of their contracts. In previous years, the Office had prepared a report giving a breakdown of information on consultants but, for some reason, that practice had not been followed in the previous two biennia. Such a report would, however, be prepared for the biennium 1992-1993 and made available to the General Assembly at its forty-ninth session.

52. While expenditure on consultants had indeed declined over the last biennium, he doubted whether that was related to the phenomenon of the retention of supernumerary staff and he did not believe that there had been a deliberate effort to curtail the use of consultants. While the number of supernumerary staff members had declined from 232 to 17, the issue remained one of great concern and he would be meeting shortly with the Controller and the Director of Personnel in an endeavour to resolve it once and for all.

53. In his view, the provision contained in paragraph 194 of the report by the Board of Auditors had been complied with in the sense that the authorized staffing levels had not been exceeded and, as a result, no rules or regulations had been violated.

54. Mr. BOIN (France) said that it was difficult to get precise answers from the Secretariat to precise questions. It was not satisfactory to refer to reports or administrative instructions. The real problem was the need for an independent inspection body. He well understood that the Secretariat might be loath to engage in self-criticism. However, he wanted a precise answer to the question of how many supernumerary staff members there were in relation to the

(Mr. Boin, France)

total number of consultants. The press in numerous countries had drawn attention to certain reprehensible practices, which were continuing. The Office of Human Resources Management had very strict criteria concerning the length of contracts; the period of six months was a critical one. In the absence of the information requested, his delegation could not approve the performance report for the programme budget for the biennium 1990-1991.

55. The CHAIRMAN said that in that case a decision would have to be postponed until the forty-eighth session.

56. Mr. SPAANS (Netherlands) reiterated that his delegation reserved the right to return to the issue of the relative numbers of male and female supernumeraries. His delegation would have wished to attach to the draft decision a request to the Secretary-General to provide full information on all aspects of the supernumerary positions and the use of consultants in the Secretariat in the final performance report for the biennium 1992-1993, and on his proposals concerning supernumeraries in the proposed programme budget for the biennium 1994-1995. The Committee might already make that request pending a final decision on the matter at a later stage. The information thus provided could then be taken into account when drafting the performance report and the further fascicles of the programme budget for 1994-1995.

57. Mr. GRANT (United States of America) endorsed the request by the delegation of the Netherlands for additional information. Regarding the recommended appropriation for the biennium 1990-1991, his delegation could not endorse a provision for additional funds that included an allotment for the staff assessment account, which continued to show a surplus of $12 million. It could, however, endorse the additional appropriation if the amount dedicated to the staff assessment account were deleted.

58. Mr. BOIN (France) regretted that the proposal of the Netherlands was not satisfactory to his delegation. All too often, the Secretariat did not respond sufficiently clearly to precise questions, or was dilatory in responding. There had been ample time since April to provide a satisfactory answer. The issue should therefore be deferred to the forty-eighth session.

59. The CHAIRMAN suggested that in line with the proposal of the Netherlands as endorsed by the United States, to which there had been no objection, the Committee should postpone to the forty-eighth session of the General Assembly the decision on the final appropriation for the biennium 1990-1991. He further suggested that the Committee should request the Secretary-General to provide full information on all aspects of the supernumerary positions in the Secretariat in the final performance report for the biennium 1992-1993 and on his proposals with regard to the supernumeraries in the proposed programme budget for the biennium 1994-1995.

60. Mr. BOIN (France) proposed that, in the Chairman's request to the Secretary-General regarding the biennium 1992-1993, the words "and on the use by the Secretariat of consultants" should be added after "in the Secretariat".

61. It was so decided.

62. The CHAIRMAN said that the Committee had thus completed its work at the forty-seventh session of the General Assembly.

The meeting rose at 12.30 p.m.